

# Congress of the United States

## Washington, DC 20510

March 5, 2024

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President Biden:

On January 31, 2024, your administration announced that Special Presidential Envoy for Climate John Kerry will step down to assist your reelection campaign.<sup>1</sup> Reports indicate John Podesta, who currently serves as a senior advisor to the President, will replace him as your primary envoy for international climate policy.<sup>2</sup> However, in replacing Mr. Kerry, Mr. Podesta will serve under the title of Senior Advisor to the President for International Climate Policy. This appears to be a blatant attempt to sidestep congressional oversight and install Mr. Podesta in a position that under federal law requires the advice and consent of the United States Senate. We are alarmed at your apparent decision to circumvent the law.

This appointment is another example of your administration's practice of creating new offices that do not require Senate confirmation or that do not have explicit statutory missions and constraints. By placing considerable policy authority with these individuals, you demonstrate a flagrant disregard for the separation of powers and congressional authority under both the Constitution and federal law. For example, you created the White House Office of Domestic Policy to coordinate the domestic climate policymaking process and "implemen[t] the President's domestic climate agenda" under the leadership of an Assistant to the President and National Climate Advisor.<sup>3</sup> Congress has previously voted to rein in the use of special advisors or "czars" in past administrations, as well.<sup>4</sup>

At the start of your presidency, you created the new Cabinet-level position of Special Presidential Envoy for Climate (SPEC) for Mr. Kerry. This position was not subject to the constitutional advice and consent role of the Senate, allowing him to avoid the Senate

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<sup>1</sup> Colleen Long and Matthew Daly, *John Podesta Will Take Over for John Kerry as Top International Adviser on Climate Chance*, ASSOC. PRESS, Jan. 31, 2024, <https://apnews.com/article/biden-podesta-climate-3da3fdd2b9d4fba542ff16f87eb4f10e>.

<sup>2</sup> *Id.*

<sup>3</sup> THE WHITE HOUSE, CLIMATE POLICY OFFICE, <https://www.whitehouse.gov/cpo/> (last visited Feb. 5, 2024).

<sup>4</sup> See, e.g., Robin Bravender, HOUSE VOTES TO OVERTHROW "CZARS," POLITICO, Feb. 17, 2022, <https://www.politico.com/story/2011/02/house-votes-to-overthrow-czars-049781>; Ed Hornick, *Jones' Resignation Puts Focus on Criticism of Obama's "Czars,"* CNN, Sept. 7, 2009, <https://www.cnn.com/2009/POLITICS/09/07/obama.czars/index.html>.

confirmation process, any transparency or disclosure requirements, and congressional oversight.<sup>5</sup> Further, the SPEC Office has overlapping responsibilities with the State Department, significantly undermining the Cabinet-level and Senate-confirmed Secretary of State. The lack of clear distinction between the authorities and policy priorities of the State Department and the SPEC Office as the U.S. conducts foreign policy negotiations on environmental and climate issues sows confusion domestically and abroad.<sup>6</sup> That muddling of agency roles seems designed to impair congressional oversight as well as accountability to the American public.

In response to these concerns, in 2021, Congress passed and you signed into law legislation requiring that any “Special Envoy” or other position performing a similar function be subject to confirmation with the advice and consent of the Senate.<sup>7</sup> Congress intended that Mr. Kerry’s successor be covered by the statutory requirement.

As Senior Advisor to the President for International Climate Policy, Mr. Podesta appears to be assuming all of Mr. Kerry’s duties to act as an envoy for climate on your behalf and to represent the interests of the United States in international policy negotiations. There appears to be no distinction between this new title and the role of the SPEC. Given the visibility and authority of this position and its similarity to the SPEC Office, any candidate for this position, including Mr. Podesta, should clearly be required to receive Senate confirmation. The mere fact that Mr. Podesta will receive a different title and will be based in the White House, rather than the Department of State like his predecessor, does not obviate this statutory obligation.<sup>8</sup> Any objective observer would reasonably suspect that you crafted Mr. Podesta’s “new” position to circumvent a recently enacted law so as to duck accountability to Congress and impede or subvert oversight efforts.

In response to these concerns and to assist with oversight of the offices and agencies involved, please provide the following information to the Committee by March 19, 2024:

1. What are the duties of the Senior Adviser to the President for International Climate policy?
2. To whom will the Senior Adviser to the President for International Climate Policy directly report?
3. How many officials or employees will report to the Senior Adviser to the President for International Climate Policy? Please list their titles.

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<sup>5</sup> RICK LATTANZIO & CORY GILL, CONG. RESEARCH SERV., IF12487, OFFICE OF THE SPECIAL PRESIDENTIAL ENVOY FOR CLIMATE (2023), <https://www.crs.gov/Reports/IF12487?source=search>.

<sup>6</sup> *Id.* at 2.

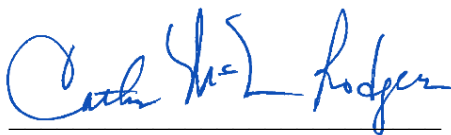
<sup>7</sup> National Defense Authorization Act for Fiscal Year 2022, Pub. L. No. 117-81, § 5105 (2021).

<sup>8</sup> Emma Dumain & Sara Schonhardt, *Top Republican Warns Biden on Podesta Ducking Confirmation*, E&E NEWS, Feb. 6, 2024, <https://subscriber.politicopro.com/article/eenews/2024/02/06/top-republican-warns-biden-on-podesta-ducking-confirmation-00139761>.

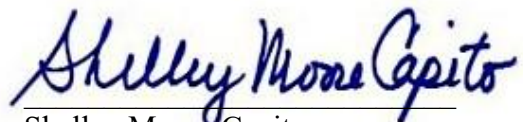
4. How does the role of Senior Adviser to the President for International Climate Policy differ from the Special Presidential Envoy for Climate?
5. How will this transition affect Mr. Podesta's responsibilities for domestic environmental and climate policy? Will any of these roles shift to other officials to accommodate his increased involvement in international relations?
6. Will you acknowledge that Mr. Podesta's role as Senior Adviser to the President for International Climate Policy is subject to Senate advice and consent requirements pursuant to section 5105 of the National Defense Authorization Act for Fiscal Year 2022?
  - a. If so, please advise when you intend to submit his formal nomination to the United States Senate.
  - b. If not, please explain why not.
7. Will Mr. Podesta agree to appear before the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works if invited, to provide testimony with respect to his responsibilities? And if not, please explain why.
8. Will Mr. Podesta provide the Committee with testimony, briefings, documents, disclosures, and other information relevant to the Committee's jurisdiction in a timely manner?

Thank you for your cooperation in this matter. Should you have any questions about this request, please have your staff contact the House Energy and Commerce Committee Majority staff at (202) 225-3641 or the Senate Committee on Environment and Public Works Republican staff at (202) 224-6176.

Sincerely,



Cathy McMorris Rodgers  
Chair  
House Committee on Energy  
and Commerce



Shelley Moore Capito  
Ranking Member  
Senate Committee on Environment  
and Public Works